

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rule making related to evaluation of tenants in assisted living programs

The Inspections and Appeals Department hereby amends Chapter 69, “Assisted Living Programs,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 231C.3(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 231C.3(1).

Purpose and Summary

The Iowa Board of Nursing revised its rules related to nursing practice for registered nurses/licensed practical nurses effective March 31, 2021 (**ARC 5481C**, IAB 9/9/21). The Iowa Board of Nursing clarified that an initial assessment of a patient shall only be provided by a registered nurse and shall not be provided by a licensed practical nurse via the delegation process. This amendment to Chapter 69 removes the reference to “a licensed practical nurse via nurse delegation” from the list of professionals who may complete a tenant’s initial assessment to maintain consistency with the approved scope of practice for licensed practical nurses.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 22, 2021, as **ARC 5920C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on October 27, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on December 22, 2021.

The following rule-making action is adopted:

Amend subrule 69.22(1) as follows:

69.22(1) *Evaluation prior to occupancy.* A program shall evaluate each prospective tenant's functional, cognitive and health status prior to the tenant's signing the occupancy agreement and taking occupancy of a dwelling unit in order to determine the tenant's eligibility for the program, including whether the services needed are available. The cognitive evaluation shall utilize a scored, objective tool. When the score from the cognitive evaluation indicates moderate cognitive decline and risk, the Global Deterioration Scale (GDS) shall be used at all subsequent intervals, if applicable. If the tenant subsequently returns to the tenant's mildly cognitively impaired state, the program may discontinue the GDS and revert to a scored cognitive screening tool. The evaluation shall be conducted by a health care professional, or a human service professional, ~~or a licensed practical nurse via nurse delegation.~~

[Filed 10/27/21, effective 12/22/21]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/17/21.